

**REMARKS**

**CLAIM REJECTIONS UNDER 35 USC § 102**

Claims 1-10, 12-14, and 16-20 were rejected under 35 USC §102(e) as allegedly being anticipated by Bolourchi et al. (Pub. No. US 2002/0170013, hereinafter “Bolourchi”). Applicants respectfully disagree and traverse these rejections.

Each of the claims of the present invention include the feature of modifying one or more prescribed fields in an existing media access control (MAC) channel to carry a plurality of control and signaling information directly between a base station and at least one mobile station. In contrast, Bolourchi modifies its messages in the physical layer (see paragraph [0058]; “The physical layer generates the CRC and applies the UE ID for forwarding with the message...as a data burst. The message is then transmitted from the node B (base station) to the UE (mobile)”;

words in parentheses added). Though it appears a “control message” is generated in the MAC layer of Bolourchi, this message is then sent to the physical layer where it is further modified before forwarding to a mobile.

Because Bolourchi fails to disclose each and every feature of the claimed inventions, Bolourchi cannot provide a basis for a rejection under 35 USC §102. Reconsideration, withdrawal of the rejections and allowance of claims 1-10, 12-14 and 16-20 is respectfully requested.

**CLAIM REJECTION UNDER 35 USC § 103**

Claim 11 stands rejected under 35 USC §103 as being unpatentable over Bolourchi in view of Willenegger (Pub. No. US 2002/0110181) (“Willenegger”). Applicants respectfully disagree and traverse this rejection.

Initially, Applicants respectfully submit that claim 11 is dependent on claim 1 and is therefore patentable over Bolourchi, taken separately or in combination with Willenegger, for at least the reasons discussed above because Willenegger does not make up for the deficiencies of Bolourchi.

Further, Applicants respectfully submit that Bolourchi, singly or in combination with Willenegger, fails to disclose an identifier that indicates the available Walsh space for transmission of data between a base station and one or more mobile stations, as recited in claim 11.

As the Office Action indicates, Bolourchi does not teach or suggest an identifier indicating the available Walsh space for transmission of data between a base station and one or more mobile stations, as recited in claim 11. To make up for this deficiency, the Examiner relies on Willenegger.

However, Applicants submit that Willenegger appears to only disclose a Walsh function over a shared channel, not how to determine the available Walsh space for the transmission of data between a base station and one or more mobile stations, as recited in claim 11.

Accordingly, Applicants respectfully submit that the subject matter of claim 11 would not have been obvious to one of ordinary skill in the art upon reading the disclosures of Bolourchi and Willenegger as of the date the present application was filed. Applicants respectfully request withdrawal of the pending rejection and allowance of claim 11.

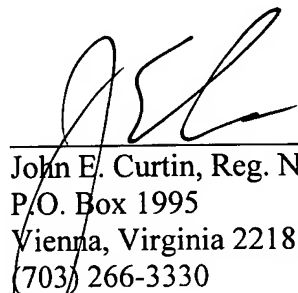
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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